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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 CENTER FOR BIOLOGICAL
10 DIVERSITY, *et al.*,

11 *Plaintiffs,*
12 *v.*

13 NATIONAL MARINE FISHERIES
14 SERVICE, *et al.*,

15 *Defendants.*

16 Civil Action No. 2:19-cv-01299-MLP

17 **PLAINTIFFS' NOTICE OF
18 DISMISSAL**

19 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs voluntarily dismiss
20 this lawsuit without prejudice. Plaintiffs filed this lawsuit on August 19, 2019 to compel the
21 National Marine Fisheries Service (the “Service”) to respond to their 2016 Petition to designate a
22 Whale Protection Zone and issue other regulations to better protect and recover the endangered
23 Southern Resident killer whales. On October 24, 2019, the Service issued a scoping notice
24 seeking public input on whether existing regulations adequately protect Southern Resident killer
 whales from the impact of vessels and noise in the inland waters of Washington State and, if they
 do not, what additional actions the Service should take. *Notice of availability*, 84 Fed. Reg.
 57015 (October 24, 2019). On November 18, 2019, Plaintiffs received a letter from the Service

1 formally denying their Petition, stating that the agency had instead exercised its discretion to
2 conduct the scoping process for a “potential rulemaking” to revise existing regulations.

3 Plaintiffs intend to engage in this scoping process and reserve the right to challenge the
4 Service’s denial of their Petition in a separate action.

5 Respectfully submitted November 26, 2019,

6 By: /s/ Julie Teel Simmonds

7 Admitted Pro Hac Vice

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15 Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2019, I electronically filed the foregoing PLAINTIFFS' NOTICE OF DISMISSAL with the Clerk of the Court using the CM/ECF system, which will automatically serve the documents upon counsel of record.

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